DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

Regulatory Division
20040640

JUL 01 2009

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200406490

Applicant: Rowdev, LLC
Attention: Mr. Mark Stephenson
635 Goldpoint Trace
Woodstock, Georgia 30121

Agent: Tupelo Ecological Aspects, Inc.
Attention: Mr. Jeremy Hummel
3710 Francis Trail
Gainesville, Georgia 30506

Location of Proposed Work: The proposed project is located at latitude 34° 13' 49" North and longitude 84° 43' 18" West, directly north of the intersection of State Route 20 and Roberson Drive, near the City of Cartersville, Bartow County, Georgia. Please see the enclosed Project Location Map (Figure 1) and Preliminary Construction Plan & Monitoring Plan (Figure 2) for additional details.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers:
Rowdev, LLC proposes to construct a residential subdivision to be known as the "Rowland Springs Estates". The project will include residential lots, roadways, utilities, recreation areas, a stormwater management facility, and an 18-acre stormwater management/amenity pond. The subdivision is comprised of 4 phases, of which Phases I and II have existing unauthorized impacts to streams and wetlands which occurred in 2004 (by a previous owner). Phases III and IV of the development propose jurisdictional wetland impacts associated with the construction of the 18-acre stormwater management/amenity pond.

Initial Field investigations revealed nine streams (Streams 1 through 9) and seven wetlands (Wetlands 1 through 7) onsite. Streams 2, 4, 6, 7, and 8 and Stream 3 (Carter Creek) are described as perennial systems. These streams range in widths of 2 to 8 feet, and exhibit sloping to vertical banks ranging from 1 to 4 feet in height. The representative substrate in these systems is comprised of silt, sand, gravel, cobble and bedrock. Streams 1, 5, and 9 are described as

intermittent systems. These streams range in widths of 1 to 3 feet, and exhibit sloping to vertical banks ranging from 1 to 3 feet in height. The representative substrate in these systems is comprised of silt, sand, gravel, and cobble. Wetlands 1 through 7 are described as riverine palustrine systems, with a vegetation cover ranging from emergent to forested. Wetlands 2, 3, 5 and 6 have been hydrologically influenced by the formation numerous beaver impoundments on Carter Creek. Please see the attached Preliminary Construction Plan & Monitoring Plan for specific locations of jurisdictional waters onsite.

The development plan for Rowland Springs Estates Subdivision associated with Phases I and II, impacted a total of 0.45 acre of forested wetland and 853 linear feet of stream associated with the construction of three road crossings, streambank armor, and a stormwater management facility. The proposed development plan associated with Phases III and IV will require impacts to 4.41 acres of wetland associated with the construction of the 18-acre stormwater/amenity pond. In accordance with the Savannah District's Standard Operating Procedure (SOP) for Compensatory Mitigation, impacts associated with Phases I and II will require a total of 4,069 stream credits and 3.29 wetland credits as compensatory mitigation. Phases III and IV will require a total of 37.90 wetland credits. To compensate for Phases I and II, the applicant has proposed to preserve a 50 foot buffer on 3,798 linear feet of stream and 4.3 acres of forested wetland onsite, and restore 282 linear feet of stream onsite via structure removal, which will generate 3.44 wetland credits and 3,210 stream credits. The additional 859 stream credits will be purchased from the Alaculsy Mitigation Bank. To compensate for Phases III and IV, the applicant has proposed to purchase 37.75 wetland credits from the Alaculsy Mitigation Bank.

For additional information, see the attached "Supplemental Documentation" supplied by the applicant. The opinions, views and/or conclusions that are expressed by the applicant in this narrative do not necessarily reflect those of the US Army Corps of Engineers.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for

public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Division, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GAHPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work.

The applicant has not completed a Phase I Cultural Resources survey for this project. USACE will require the applicant to provide a Phase I Cultural Resources survey for this project to ensure that the proposed project will be in compliance with Section 106 of the National Historic Preservation Act of 1966. Following our review of the survey documentation, we will forward our comments to GAHPD for review and comment.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

USACE has determined that there will be no impacts to threatened and endangered species as a result of the proposed project.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those

are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

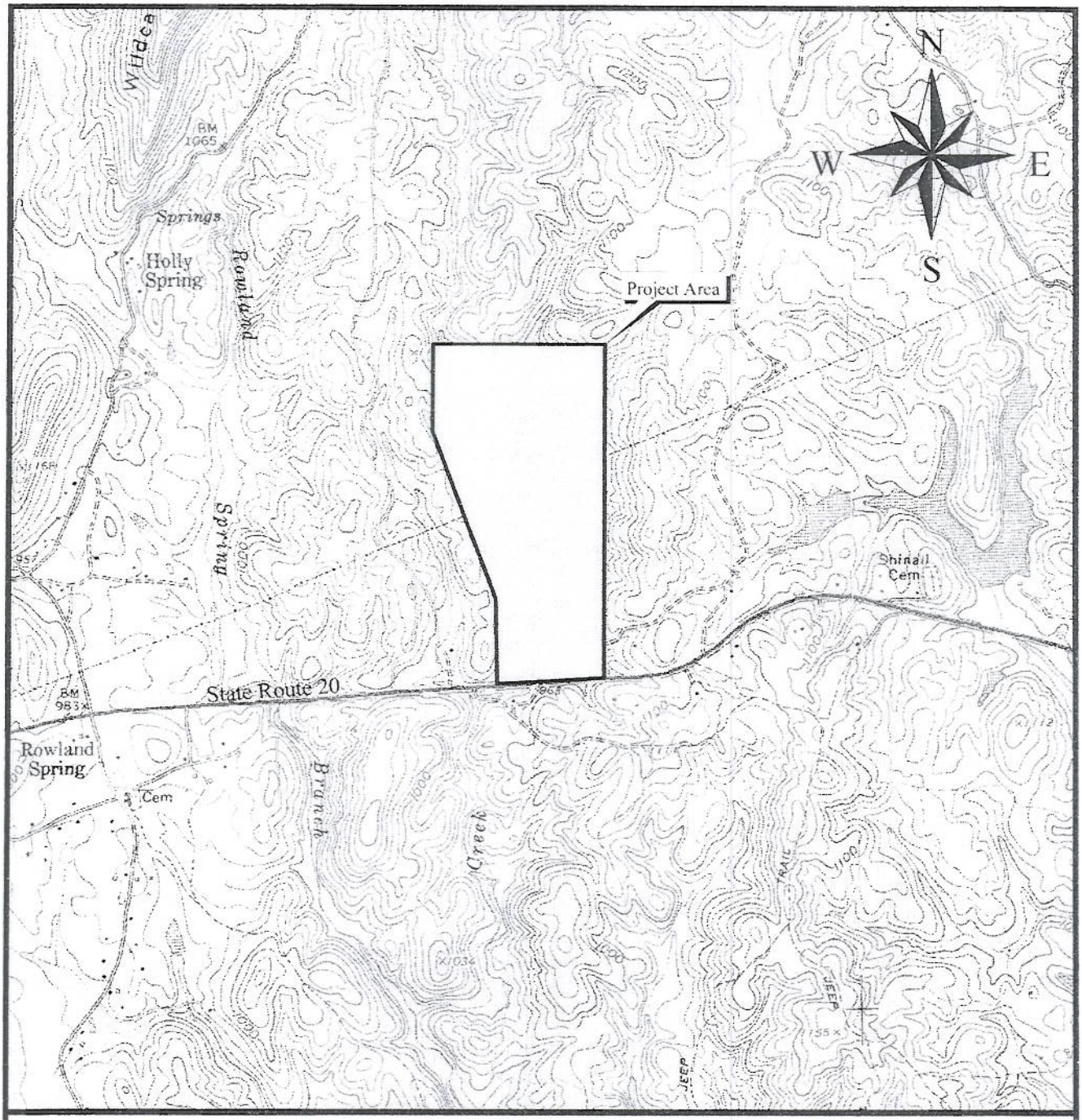
Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project. The county has held public meetings regarding this project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Savannah District, US Army Corps of Engineers, Piedmont Branch, Attention: Mr. Justin Hammonds, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the project name: **Rowland Springs Estates, USACE Project Number 200406940.**

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds at (770) 904-2365.

3 Enclosures
Figure 1: Project Location Map (1 page)
Figure 2: Preliminary Construction Plan & Monitoring Plan (6 pages)
Supplemental Documentation (6 pages)

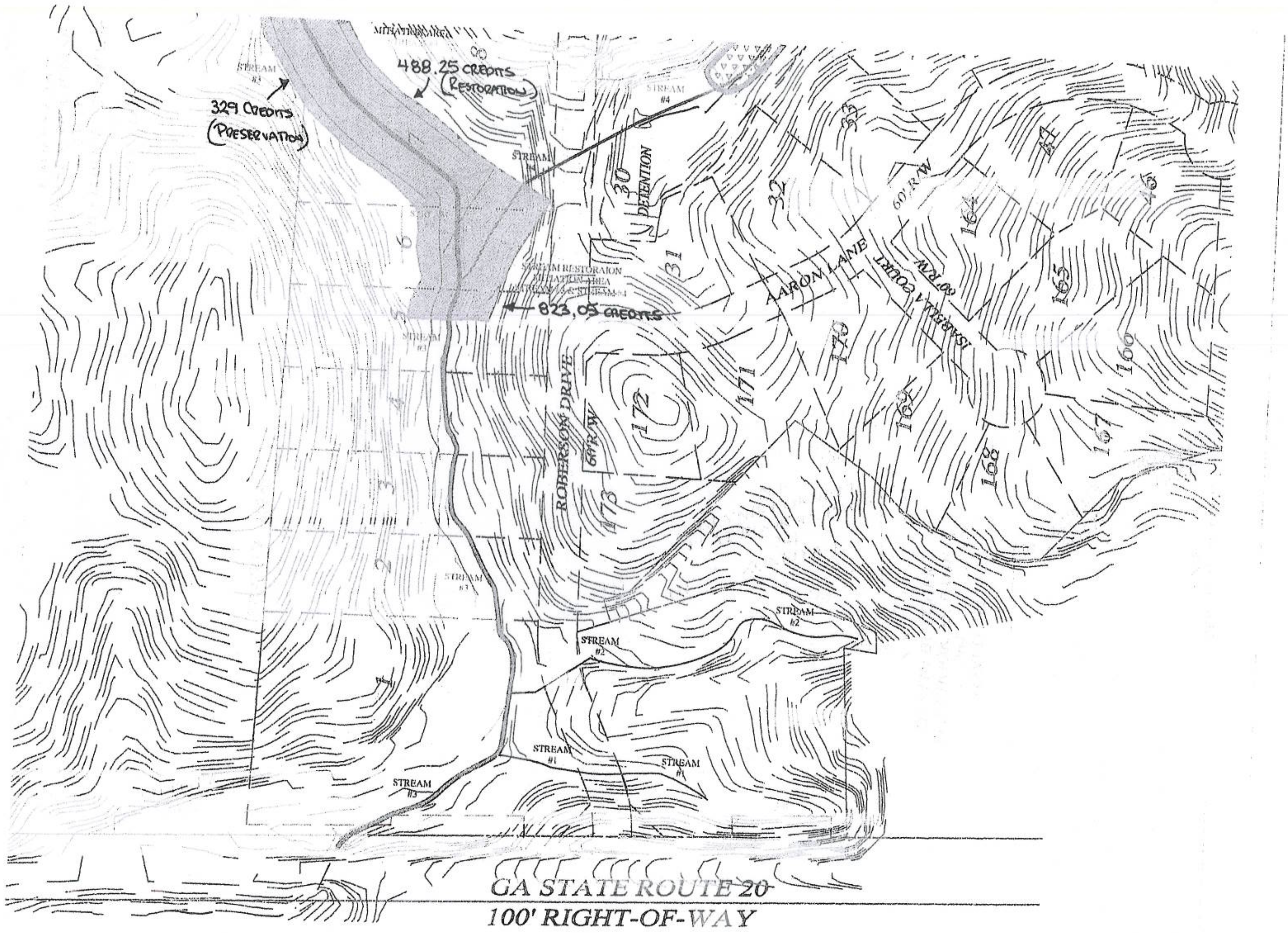


Source: Allatoona Dam, GA USGS Topographic Maps

2000 0 2000 4000 6000 Feet

Rowland Springs Estates
Phase I, Phase II, and Phase III
Bartow County, Georgia

Figure 1
Project Location Map

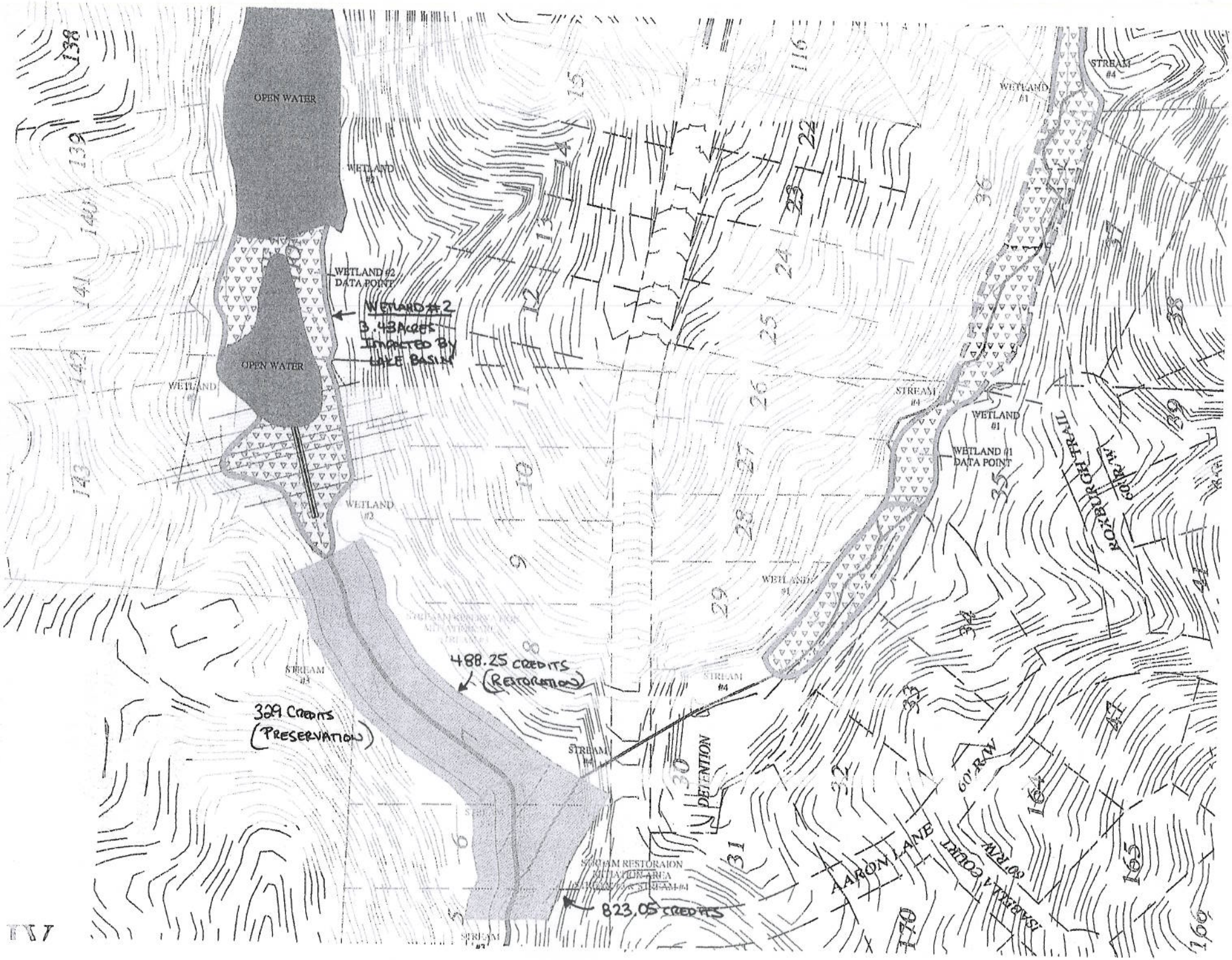


329 CREDITS (PRESERVATION)
488.25 CREDITS (RESTORATION)
823.05 CREDITS
STREAM #3
STREAM #4
STREAM #2
STREAM #1
30
DETENTION
31
32
33
AARON LANE
60' R/W
ISABELLA COURT
60' R/W
ROBERSON DRIVE
60' R/W
164
165
166
167
168
169
170
171
172
173
1
2
3
4
5
6
GA STATE ROUTE 20
100' RIGHT-OF-WAY

Figure 2. Preliminary Construction Plan
& Monitoring Plan (6 pages)

ROWLAND SPRINGS ESTATES
PHASE I, PHASE II, PHASE III, & PHASE IV
BARTOW COUNTY, GA

PRELIMINARY CONSTRUCTION PLAN
&
MITIGATION PLAN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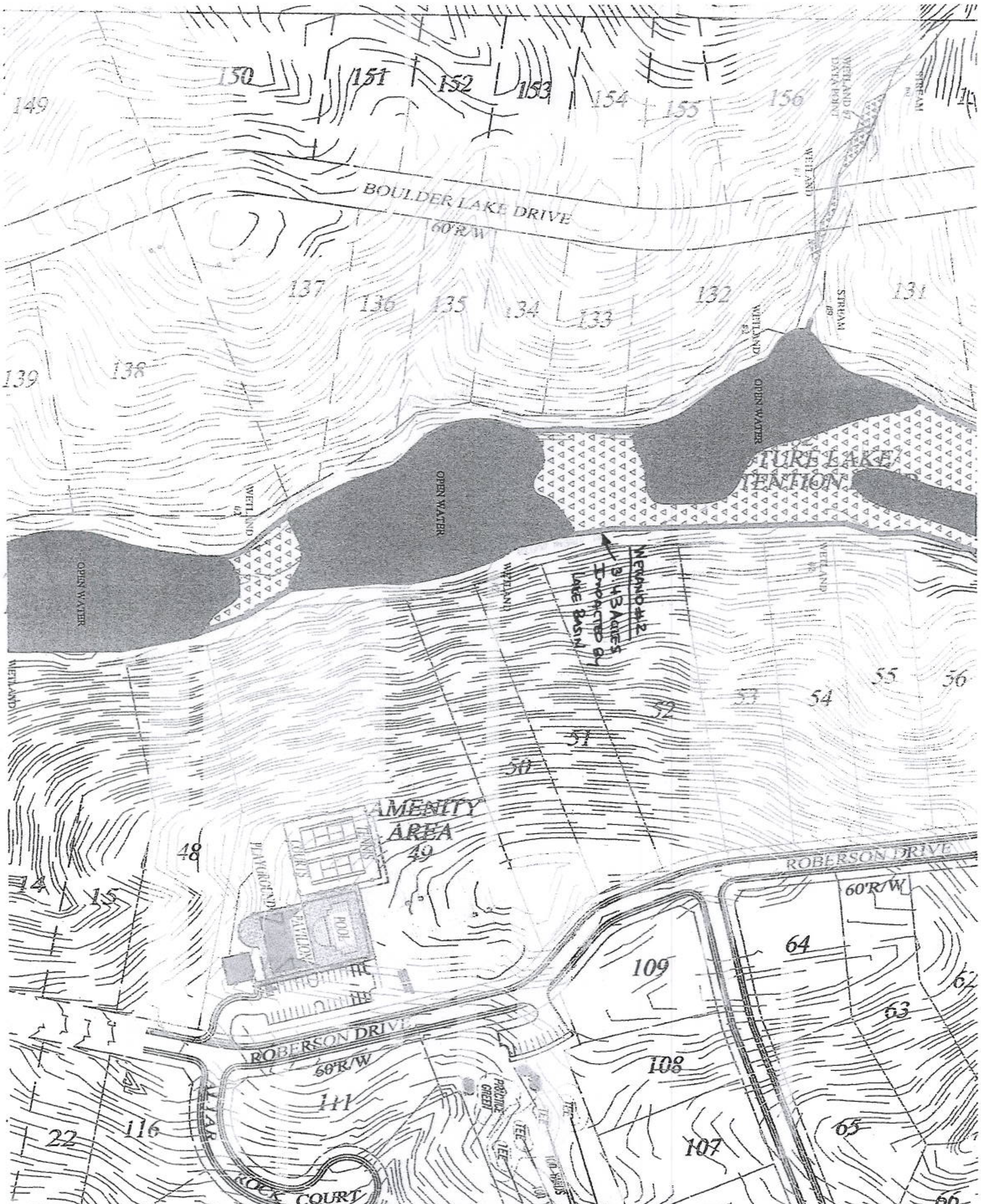
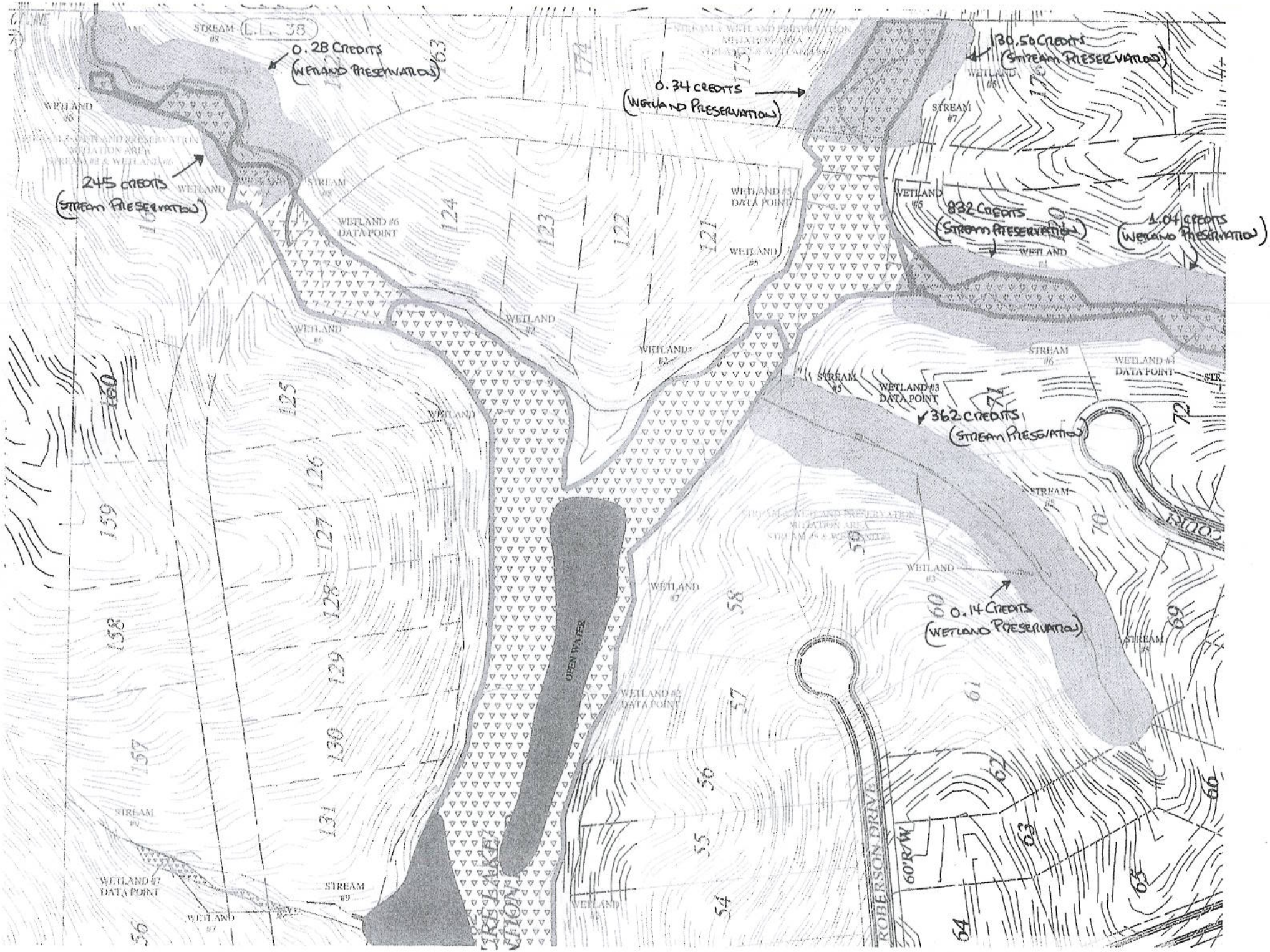
WETLAND #2
WETLAND #2 DATA POINT
WETLAND #2
3.43 ACRES IMPACTED BY LAKE BASIN
OPEN WATER
WETLAND #2
STREAM #4
WETLAND #1
WETLAND #1 DATA POINT
STREAM #4
WETLAND #1
WETLAND #1
488.25 CREDITS (RESTORATION)
329 CREDITS (PRESERVATION)
STREAM #3
STREAM #4
STREAM #4
DETENTION
STREAM RESTORAION MITIGATION AREA
823.05 CREDITS
STREAM #3
AARON LANE
AARON COURT
60' R/W
60' R/W
FOXFIELD TRAIL
60' R/W



149
150
151
152
153
154
155
156
WETLAND DATA POINT
STREAM
WETLAND
BOULDER LAKE DRIVE
60' R/W
137
136
135
134
133
132
131
139
138
STREAM
WETLAND
OPEN WATER
OPEN WATER
OPEN WATER
WETLAND
WETLAND
WETLAND
WETLAND
WETLAND #12
3.43 ACRES
IMPACTED BY
LAKE BASIN
55
56
52
53
54
51
50
AMENITY
AREA
49
48
TENNIS COURTS
PLAYGROUND
POOL
PAVILION
14
15
ROBERSON DRIVE
60' R/W
64
109
63
ROBERSON DRIVE
60' R/W
108
PRACTICE GREEN
TEE
111
116
22
107
65
ROCK COURT
66
112
115
106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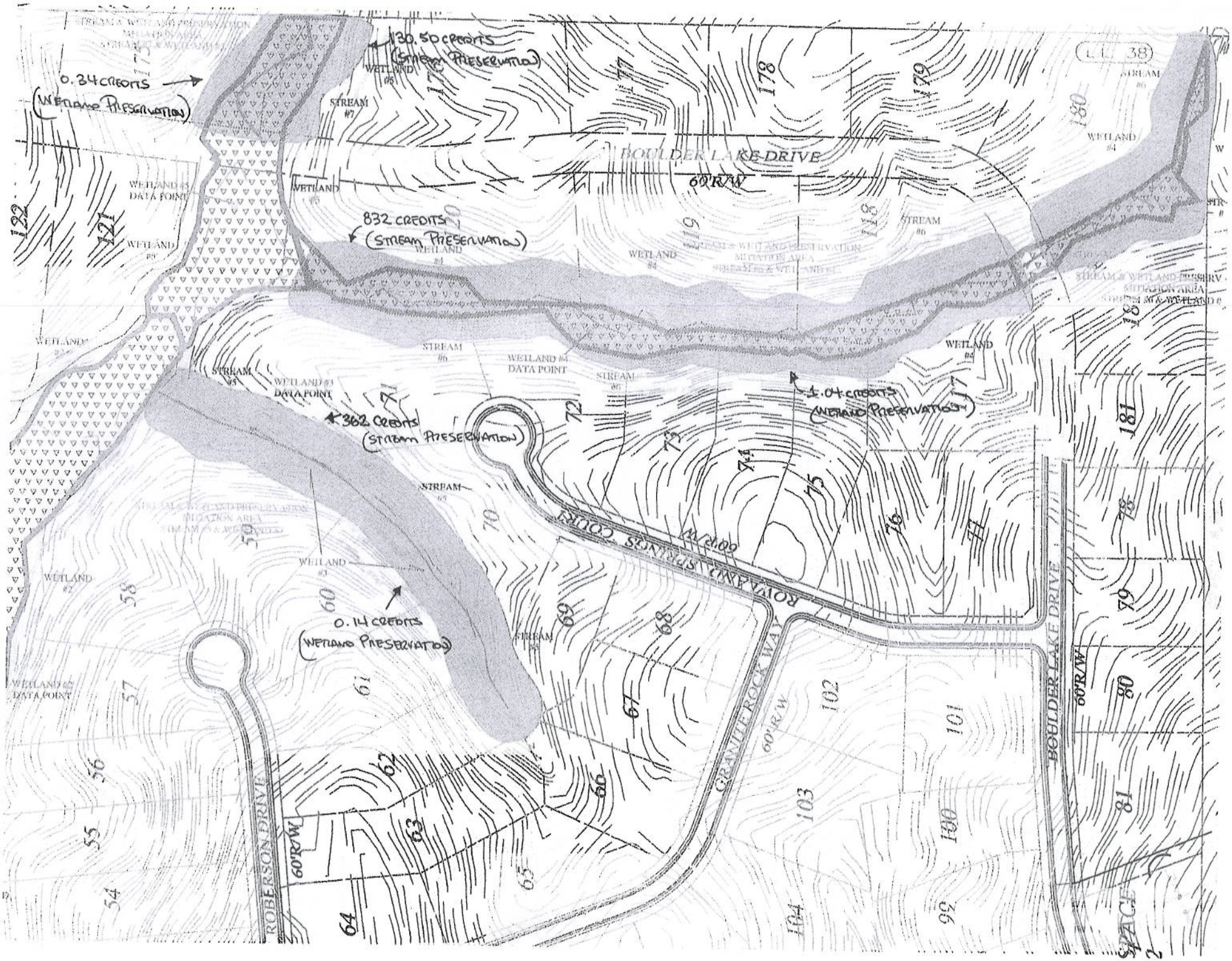
(WETLAND PRESERVATION)
0.34 CREDITS
(WETLAND PRESERVATION)
130.5 CREDITS
(STREAM PRESERVATION)
245 CREDITS
(STREAM PRESERVATION)
832 CREDITS
(STREAM PRESERVATION)
1.04 CREDITS
(WETLAND PRESERVATION)
362 CREDITS
(STREAM PRESERVATION)
0.14 CREDITS
(WETLAND PRESERVATION)
STREAM #8
WETLAND #6
WETLAND #6 DATA POINT
WETLAND #5
WETLAND #5 DATA POINT
STREAM #7
WETLAND #4
STREAM #6
WETLAND #4 DATA POINT
STREAM #5
WETLAND #3
WETLAND #3 DATA POINT
WETLAND #2
WETLAND #2 DATA POINT
OPEN WATER
STREAM #9
WETLAND #7
WETLAND #7 DATA POINT
ROBERSON DRIVE
60' R/W


0.34 CREDITS
(WETLAND PRESERVATION)
130.50 CREDITS
(STREAM PRESERVATION)
832 CREDITS
(STREAM PRESERVATION)
362 CREDITS
(STREAM PRESERVATION)
1.04 CREDITS
(WETLAND PRESERVATION)
0.14 CREDITS
(WETLAND PRESERVATION)
BOULDER LAKE DRIVE
60' R/W
ROBERSON DRIVE
GRANITE ROCK WAY
WETLAND #1 DATA POINT
WETLAND #2 DATA POINT
WETLAND #3 DATA POINT
WETLAND #4 DATA POINT
WETLAND #5 DATA POINT
STREAM #5
STREAM #6
STREAM #7
WETLAND #1
WETLAND #2
WETLAND #3
WETLAND #4
WETLAND #5
WETLAND #6
WETLAND #7
STREAM & WETLAND PRESERVATION MITIGATION AREA
SPACE

SECTION VI: ALTERNATIVES ANALYSIS

In accordance with Section 404(b)(1) of the Clean Water Act, the Rowdev, LLC has implemented a comprehensive alternative analysis for the Phase III and Phase IV residential development of the Rowland Springs Estates subdivision. This alternative analysis included a Build 1 Alternative, and Build 2 Alternative, and No Build Alternative. A detailed description of each Rowland Springs Estates alternative is provided below:

Build Alternative 1:

The Rowdev, LLC evaluated the Build Alternative 1 development of 126 single family residential lots within the estimated 166-acre Phase III and Phase IV portion of the Rowland Springs Estates. This build alternative would include the construction of new location residential roadways (Roberson Drive, Granite Rock Way, and Boulder Lake Drive), four bottomless culvert Boulder Lake Drive stream crossings, new location utility corridors, the construction of an estimated 18-acre stormwater detention basin to serve the detention requirements of the Rowland Spring Estates development, and the potential future residential, commercial, on institutional development stormwater detention requirements within the estimated 470-acre upstream drainage area within the Carter Creek watershed of the Etowah River basin.

Build Alternative 1 would incorporate the construction of a new location earthen dam structure in order to create an estimated 18-acre stormwater detention basin with a normal pool elevation at 980 to 983 feet above mean sea level at a point approximately 1,400 feet upstream of State Route 20. The proposed dam structure and lake basin would serve to provide the detention requirements for the increased stormwater runoff associated with the Phase III and Phase IV Rowland Springs Estates development and future residential and commercial development within the remaining upstream portion of the Carter Creek drainage basin of the Etowah River watershed. The Rowdev, LLC has received support and cooperation for the proposed local and regional detention lake basin from the upstream land owner and perspective developer and Municipality of Bartow County.

The dam structure and stormwater detention basin has been designed to meet the Georgia Safe Dams Program and to accommodate the runoff base flows for the 2, 5, 10, 25, 50, and 100-year storm events of the estimated 470-acre drainage basin following the construction of the Rowland Springs Estates subdivision and the future development of the upstream portion of the Carter Creek basin. The design overview, drainage basin analysis, runoff analysis, dam spillway analysis, dam analysis, and drainage basin calculations is provided in the enclosed Rowland Springs Estates Dam Evaluation Summary Report prepared for the Little River Capital, LLC by the engineer of record Ms. Stacey Mills, P.E. (see Rowland Springs Estates Dam Evaluation Summary Report). This analysis has resulted in the strategic selection of a centrally located dam and detention basin design at a significantly and historically impounded section of the Carter Creek basin, typified by numerous active beaver dam structures, 5-6 acres of palustrine open water environments, and the absence of a defined Carter Creek perennial stream channel. This location was selected by the Rowdev, LLC in order to maximize the stormwater detention function and capacity of the basin, minimize wetland impacts, and avoid impact to the downstream on-site single-thread perennial channel of Carter Creek.

The Rowdev, LLC has selected to commence with the construction of the Build 1 Alternative for the proposed Phase III and Phase IV Rowland Springs Estates residential development. The proposed dam structure would result in a cumulative fill impact to approximately 0.72 acres of Wetland #2, requiring the compensation of 6.19 wetland credits. The proposed detention lake basin would result in a cumulative impoundment impact to approximately 3.43 acres of Wetland #2, requiring the compensation of 29.50 wetland credits. The Rowdev, LLC would purchase the required compensatory wetland mitigation credits from the Etowah River Mitigation Bank in Dawson County, Georgia. The proposed detention lake basin would also result in increased water depths within the estimated 4.41 acres of beaver impounded open water environments occurring within the limits of Wetland #2. Credits for this commercial mitigation bank were available at the time this report was written. The Rowdev, LLC reserves the secure the most competitive credit prices from mitigation banks servicing the Etowah River basin.

Build Alternative 2:

The Rowdev, LLC evaluated the Build Alternative 2 development of 126 single family residential lots within the estimated 166-acre Phase III and Phase IV portion of the Rowland Springs Estates. This build alternative would include the construction of new location residential roadways (Roberson Drive, Granite Rock Way, and Boulder Lake Drive), four bottomless culvert Boulder Lake Drive stream crossings, new location utility corridors, the construction of an undetermined number of upland oriented stormwater detention basins. It is not possible to determine the exact impact of off line detention without developing detailed plans for this alternative. We have used educated assessments of the off line detention requirements based on those that were actually required in Phase III of the project. However, it should be noted that we have an in line facility in Phase I of the project that had enough capacity to greatly reduce the Phase III in line requirements.

Build Alternative 2 would not incorporate the construction of a new location earthen dam structure and estimated 18-acre local and regional detention lake basin within the Carter Creek drainage basin. The selection of this build alternative would require the design of an undetermined number of upland stormwater detention basins within the Phase III and Phase IV Rowland Springs Estates project areas, eliminating many of the designed 126 single family residential lots and the Bartow County supported regional detention capacity and function of the lake basin. Furthermore, all future commercial, institutional, and residential developments within the upstream portion of the Carter Creek drainage area would require independent stormwater management facilities and plans. The selection of Build Alternative 2 for the proposed Rowland Springs Estates multi-phase residential development would not be a viable local and regional stormwater detention solution for the Rowdev, LLC.

No Build Alternative:

The Phase III and Phase IV property of Rowland Springs Estates was acquired from the Bartow Group, LLC by the Rowdev, LLC in 2007 in order to commence with the future phase development of the single-family residential community. The Phase III and Phase IV development of Rowland Springs Estates would serve to provide an affordable and viable swim

tennis residential community adjacent to State Route 20 (Canton Highway) in eastern Bartow County, Georgia. The selection of a "no build" alternative for the proposed Rowland Springs Estates multi-phase residential development would not be an appropriate or fiscally viable solution for the Rowdev, LLC.

Alternative Economic Considerations and Dialogue:

When considering which Alternative to propose for this project, the Rowdev, LLC has very carefully analyzed the economic, environmental and design impacts that are created by choosing Alternative I. We clearly understand the difficulties of proposing in line detention as well as the time and cost that may be required to permit such a project. Prior to the economic downturn, our analysis determined that building Phase III and Phase IV was not financially feasible without the lake. The reason for this is that the lake is not only a detention and stormwater facility but it is also an amenity that allows for higher lot prices and larger homes. The economic reality of the lake is that it turns an unprofitable project into a profitable one. Proposals for the lake on this property were proposed to the county and the USACE before the property was ever acquired by the original developer. The Rowdev, LLC found evidence of such discussions prior to its purchase of the property and has always assumed a lake in the neighborhood in all economic analysis of the project.

Due to the economic considerations of the project, Rowdev, LLC has rejected all alternatives that do not include the lake. Now that the economy has suffered such a downturn, alternatives that exclude the lake are grossly unprofitable while building the lake still creates a project that can be built and sold profitably by the developer.

SECTION VII: AVOIDANCE AND MINIMIZATION

The Rowdev, LLC has implemented an aggressive avoidance and minimization strategy for the residential development of Phase III and Phase IV sections of the Rowland Springs Estates community. Rowland Springs Estates Phase III and Phase IV has been designed to significantly minimize and avoid wetland and stream impacts through upland roadway design and residential

lot layout, preservation of wetland area, stream channels, and riparian corridors within and adjacent to residential lots, and the utilization of bottomless culvert drainage structures at the four proposed Phase IV road crossings. The bottomless culverts would be designed in accordance with the Etowah River Habitat Conservation Plan and U.S. Fish and Wildlife Service requirements in order to avoid permanent impacts to Stream #6, Stream #7, Stream #8, and Stream #9. The Rowdev, LLC has also carefully selected the locations of each Phase IV bottomless culvert road crossing design in order to minimize the permanent fill impacts Wetland #4, Wetland #5, Wetland #6, and Wetland #7.

The Phase III and Phase IV development of Rowland Springs Estates would include the construction of a stormwater detention basin within the Carter Creek drainage. A severely beaver dam impacted and impounded section of the Carter Creek drainage has been selected for the proposed stormwater detention basin. This Carter Creek section is typified by an expansive palustrine open water environment resulting from the historic and widespread construction and maintenance of beaver dams within the main-stream channel and in the adjacent floodplain environments. Given the open water and emergent/scrub-shrub wetland nature of the Carter Creek drainage and the proposed lake basin location, the project would result in a permanent impoundment and dredging impact to approximately 3.43 acres of Wetland #2. The remaining lake basin acreage would increase the impoundment levels of the existing open water habitat present within the central portion of the wetland system, thus representing no additional impact. The proposed earthen dam would be constructed within an estimated 175-foot by 180-foot (0.72 acre) footprint within Wetland #2. The Rowdev, LLC has selected the location and elevation of the stormwater detention basin in order to minimize permanent impoundment and fill impact to existing portions of Wetland #2, to avoid permanent impoundment and fill impact to Carter Creek (Stream #3), and to meet the stormwater detention requirements of the Rowland Springs Estates subdivision. The attached Rowdev, LLC Dam Summary Report provides a detailed analysis of the proposed stormwater detention basin design, purpose, and function in the subject Phase III and Phase IV residential development of the Rowland Springs Estates subdivision.

The Rowdev, LLC implemented avoidance and minimization standards during the design phase of the proposed Rowland Springs Estates 18-acre residential amenity, stormwater and water quality treatment, and flood water abatement lake basin. The location of the facility's earthen dam structure was selected at a point approximately 1,400 feet north of State Route within a portion of the Carter Creek watershed typified by a low quality emergent beaver impounded wetland system in order to avoid permanent pipe or fill impacts to the main-stem channel of Carter Creek. According to the Rowland Springs Estates Dam Evaluation and Summary Report, the Rowdev, LLC evaluated four dam and facility design options resulting in the selection of Option D. This option reduced the dam control of the facility normal pool to an elevation of 980 above mean seal level while still maintaining all Georgia Safe Dam requirements. This option significantly minimized the facility's cumulative permanent impoundment impact upon emergent/scrub-shrub wetlands (≈2-4 acres), forested wetlands (≈2-3 acres), intermittent stream channels (≈700-800 linear feet), and perennial stream channels (≈500-600 linear feet) identified within Phase III and Phase IV of the Rowland Springs Estates residential subdivision project area.

The Rowdev, LLC has investigated the utilization of upland stormwater detention and water quality management facilities within the proposed Phase III and Phase IV Rowland Springs Estates project area. The design and implementation of upland stormwater facilities would result in the loss of an unreasonable amount of available upland single-family residential lots. Given the long-standing and unresolved Bartow Group, LLC Section Violation Case and compensatory wetland and stream mitigation credit requirement for Phase I and Phase II of Rowland Springs Estates, it is imperative for the Rowdev, LLC to maximize it development capabilities within the Phase III and Phase IV components of the subdivision in order to make the project financially feasible. Therefore, the Rowdev, LLC has proposed a comprehensive residential amenity and stormwater detention management, and water quality treatment basin designed to adequately and safely accommodate the stormwater runoff requirements of the entire Rowland Springs Estates residential development and potential future residential and commercial development initiatives proposed within the overall Carter Creek watershed located upstream of State Route 20 in eastern Bartow County.